

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

REGINALD DRAUGHN,
Plaintiff,

v.

**THE HONORABLE
THOMAS P. MCCABE, et al.,
Defendants.**

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Case No. 2:25-cv-00531-JDW

ORDER

AND NOW, this 12th day of May, 2025, upon consideration of Plaintiff Reginald Draughn's *pro se* Second Amended Complaint (ECF No. 30, "SAC"), it is **ORDERED** as follows.

1. The Clerk of Court shall **AMEND** the caption to reflect the Defendants named in the SAC as follows:
 - a. The Clerk of Court shall **TERMINATE** the following Defendants from the docket: The Honorable Thomas P. McCabe, Sameer M. Barkawi, and Chester County Prison; and
 - b. The Clerk of Court shall **ADD** the following Defendants to the docket: Lt. Dioreo; Officer Dick; Officer Little; Officer Guldan; Officer Carroll; Officer Gunthrie; and Officer Hirsch.

2. The SAC is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915A for the reasons stated in the accompanying Memorandum.

3. On or before June 13, 2025, Mr. Draughn may file a third amended complaint as to his excessive force claims against Lt. Dioreo, Officer Dick, Officer Little, Officer Guldan, Officer Carroll, Officer Gunthrie, and Officer Hirsch. Any third amended complaint must identify all defendants in the caption in addition to identifying them in the body of the third amended complaint and shall state the basis for Mr. Draughn's claims against each defendant. **The third amended complaint shall be a complete document that does not rely on the initial Complaint, the subsequent amended complaints, or other papers filed in this case to state a claim.** When drafting his third amended complaint, Mr. Draughn should be mindful of my reasons for dismissing the claims in the Second Amended Complaint, as I explain in the accompanying Memorandum. Upon the filing of a third amended complaint, the Clerk shall not make service until I so order.

4. The Clerk of Court shall send Mr. Draughn a blank copy of the Court's form complaint for a prisoner filing a civil rights action bearing the above civil action number. Mr. Draughn may use this form to file his amended complaint if he chooses to do so.

5. If Mr. Draughn does not wish to amend his SAC and instead intends to stand on his SAC as pled, then on or before Jun 13, 2025, he may file a notice with the Court stating that intent, at which time I will issue a final order dismissing the case. He should title any such notice "Notice to Stand on Second Amended Complaint," and he shall include the civil action number for this case. *See Weber v. McGrogan*, 939 F.3d 232 (3d Cir. 2019).

6. If Mr. Draughn fails to file any response to this Order, I will conclude that Mr. Draughn intends to stand on his SAC and will issue a final order dismissing this case.

BY THE COURT:

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.